

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 12-10006-DOC (JPRx)
CV 12- 10011-DOC (JPRx)
ED CV 12-2059-DOC (JPRx)
SACV 12-2014-DOC (JPRx)

Date: February 26, 2013

Title: GORDIUM INNOVATIONS LLC V. TP-LINK USA CORPORATION
GORDIUM INNOVATIONS LLC V. TRENDNET INC.
GORDIUM INNOVATIONS LLC V. VERSA TECHNOLOGY INC.
GORDIUM INNOVATIONS LLC V. ZYXEL COMMUNICATIONS INC.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS): ORDER TO SHOW CAUSE WHY THESE
CASES SHOULD NOT BE COMBINED**

Before the Court are four cases filed by Plaintiff Gordium Innovations LLC:

- 12-cv-10006-DOC-JPRx, Gordium Innovations LLC v. TP-Link USA Corporation (“10006”)
- 12-cv-10011-DOC-JPRx, Gordium Innovations LLC v. TRENDnet Inc. (“10011”)
- 12-cv-2059-DOC-JPRx, Gordium Innovations LLC v. Versa Technology Inc. (“2059”)
- 12-cv-2014-DOC-JPRx, Gordium Innovations LLC v. Zyxel Communications Inc. (“2014”)

These cases appear to share: (1) the same causes of action; (2) similar factual allegations against Defendants; (3) the same Plaintiff; and (4) the same counsel for Plaintiff.

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Page 2

Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE why some or all of these cases should not be combined for the limited purpose of pretrial discovery. A decision about the appropriateness of consolidation for trial shall occur at a later date.¹

Plaintiff shall file a response to this Order of no more than 7 pages **on or before March 4, 2013**. Failure to file a response to this Order shall be deemed consent to consolidating these cases.

If any of the Defendants in these four actions—10006, 10011, 2059, or 2014—**wishes to file a response** to this Order or a reply to Plaintiff's response, **they must do so** in a brief of no more than 4 pages **on or before March 8, 2013**. Failure to file shall be deemed consent to consolidating these cases.

If no party files a brief opposing consolidation by the deadlines imposed herein, then this Court ORDERS that, on March 12, 2013:

- The following four cases are consolidated into one for pretrial purposes: 12-cv-10006-DOC-JPRx, Gordium Innovations LLC v. TP-Link USA Corporation; 12-cv-10011-DOC-JPRx, Gordium Innovations LLC v. TRENDnet Inc.; 12-cv-2059-DOC-JPRx, Gordium Innovations LLC v. Versa Technology Inc.; 12-cv-2014-DOC-JPRx, Gordium Innovations LLC v. Zyxel Communications Inc.
- The heading of the consolidated case shall be Gordium Innovations LLC v. Zyxel Communications Inc., SACV-12-2014-DOC-JPRx.
- On or before March 20, 2013, Plaintiff shall file an Amended Complaint in the consolidated case that shall include all defendants that Plaintiff intends to keep in the consolidated case.

¹ Pursuant to the America Invents Act, 35 U.S.C. § 299, "accused infringers may not be joined in one action as defendants or counterclaim defendants, or have their actions consolidated for trial, based solely on allegations that they each have infringed the patent or patents in suit." Thus, the cases would be consolidated for pretrial purposes only at this point. Unless defendants waive their rights under the America Invents Act, *see* 35 U.S.C. § 299(c), or it is determined that "questions of fact common to all defendants or counterclaim defendants will arise in the action," *see* 35 U.S.C. § 299(a)(2), each defendant will be afforded its right to a separate trial.

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Page 3

- On or before April 20, 2013, all defendants in the consolidated case shall file an Answer to the Amended Complaint
- Any motions, pleadings, or answers filed prior to consolidation on March 12, 2013, shall be struck and must be refiled to be considered by this Court

If any of the parties in any of these four cases files a brief opposing consolidation, then *all* parties in all four cases shall appear before this Court on March 15, 2013, at 8:30 a.m.

The Clerk shall serve this minute order on all parties to the action.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb